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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Applicant : Ho Keung, Tse.
Application Number : 08/ 587, 448
Filing Date : 12/01/95
Group Art Unit : 2202
Examiner : Pinchus Laufer

JAN 13 1998

GROUP 2200

P.O. Box 54670,
North Point Post Office,
Hong Kong.

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Sir,

Whether "The protected identity software being caused to be usable
as a precondition for authorising use of protected software"
as required by claim 12 as amended, is new matter?

a) Please insert "to someone else" after "copying the EI program" in the specification, P.2, last paragraph, line 3.

It is a missing phrase and after the insertion, it is readable on that paragraph, lines 2-3 that "copying the ES program ... to someone else" is really equivalent to "copying the EI program to someone else" and no new matter is being introduced into the disclosure of the present invention.

b) Please insert "to someone else" after "products" in the specification, P.2, third paragraph, line 6.

Insertion of this missing phrase introduces no new matter into the disclosure of the present invention because this is already readable on the specification, P.2, last paragraph, as amended in item 1a) herein above.

c) Please amend the specification, P.2, second and third paragraph which being a brief

The central program is for managing the use of the individual programs therein so that the ES program can be protected from being accessed by the user directly, thereby preventing it to be copied individually. The EI program is for providing encrypted identity of a user for accessing a network central computer to obtain services or software products or alike in which a secure operation of a user account for payment therefor involved. The AC program is for authenticating the computer on which it runs by determining its hardware and software configuration by software means and comparing the result with that required. [The ES program is for using the authentication result of the AC program and the present of the EI program as a precondition for enabling those software obtained to run on a computer.]

It should be noted that in the central program, as far as protection of the software products from being unlawfully copied by the rightful user to someone else is concerned, the ES program is the one which needs protection [most whereas the EI program needs least] and according to the present invention, the ES program use the presence of the EI program on a computer as a precondition for authorising those software products to be used on that computer and the ES program [is] can be protected from being [unauthorised] unlawfully copied by its rightful user to someone else lies [on] in the fact that a rightful user would not copy a program (i.e., the EI program) which can [provided] provide the rightful user's encrypted identity for using the rightful user's account in obtaining, for eg., network services or software products, to someone else. As seen from the use of automatic teller machine(ATM) magnetic cards, which although can readily forged, has proved to be remarkedly secure.

Other errors therein will be corrected in the substitute specification submitted
[The following amendments introduce no new matter into the disclosure of the

The EI program(which corresponding to the identity software as claimed in claim 12) in the original third paragraph is exactly the EI program in the deleted part of the second paragraph, because the explanation of how the present invention works as readable on the original third paragraph, "the ES program is protected ... lies [on] in the fact ..." is also clearly the explanation why it requires "The ES program .. using .. the presence of EI program as a precondition for enabling those software ..." as readable on that deleted part.

Therefore, the inserted phrase "the ES program use the presence of the EI ..." which conforms to the deleted part contains no new matter.

After these amendments, it is very clear that the EI program, as readable on the ^{as amended} third paragraph, lines 8-11, can be used by that "someone else" and therefore should be understood as having no protection against unauthorised use, or having such protection but being disabled, and the latter is consistent with the detailed description of the first embodiment as readable on the specification, P.3, last 3 paragraphs- P.4, first 3 paragraphs.

And, although "the protected identity software being caused to be usable as another precondition for authorising use of protected software" is not being specifically indicated, the specification, P.3, last 3 paragraph- P.4, third paragraph, does disclose "protection of the central program or EI program therein" and "enabling use of the central program or EI program therein for accessing the central computer by a user password" followed by disclosing "authorising use of protected software by the ES program", and it should be very clear that if use of the EI program is not being enabled, the EI program cannot meet the precondition, as readable on the ^{as amended} third paragraph, for the ES program to authorise use of the software. Thus, the another precondition should be readable from the specification.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ilo Keung, Tse.
Application Number : 08/ 587, 448
Filing Date : 12/01/95
Group Art Unit : 2200
Supervisory Patent Examiner : Thomas H. Tarcza

P.O. Box 54670,
North Point Post Office,
Hong Kong.

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Sir,

Request for reponse from Examiner Pinus M. Laufer


In the Examiner's advisory action dated 12/15/97, the Examiner does not indicate whether my argument submitted in my response to final action, P.7, item 3, filed on Dec., 10, 97, overcome Ananda.

The Examiner is respectfully requested to send another advisory action for indicating this as soon as possible.

Date: Jan., 10, 98

Name of Inventor and Applicant :

Ilo Keung, Tse.



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Examiner : Laufer, P

P.O. Box 54670,
North Point Post Office,
Hong Kong.

Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Sir,

Withdrawal of Request for one month extension to response period
under the provisions of 37 CFR 1.136(a)

Please be informed that I withdraw the request for one month extension filed on Jan., 07, 98, this is a consequent of the Examiner's indication in his advisory action that, the response period expires 3 months from the mailing date of the advisory action, 12/15/97, and it renders the extension unnecessary. If possible, please send me back the draft \$ 55 for the extension fee by mail. Otherwise, please accept this withdrawal first so that I can use the money to pay for other fee related to the above-identified application in the future.

Please also noted that, as a consequent of the Examiner's indication in his advisory action that, "not being disabled..." is new matter, I have to withdraw the substitute specification dated Dec., 29, 97 and filed on Jan., 07, 98 because it contains the new matter. And, the new substitute specification will be sent as soon as possible.

Date: Jan., 10, 98

Name of Inventor and Applicant :

Ho Keung Tse. 

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